

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

)	
)	
EPIC GAMES, INC. and EPIC GAMES)	
INTERNATIONAL S.à.r.l.,)	
)	
Plaintiffs,)	Civil Action No.: 5:17-cv-511-FL
)	
v.)	
)	
B.B.,)	
)	
Defendant.)	

DECLARATION OF CHRISTOPHER M. THOMAS

Pursuant 28 U.S.C. § 1746, Christopher M. Thomas hereby declares and states as follows:

1. I am an attorney with Parker Poe Adams & Bernstein LLP, which represents Plaintiffs Epic Games, Inc. and Epic Games International S.à.r.l. (together, “Epic”) in the above-captioned action. I am over 18 years of age, under no disability, and have personal knowledge of the facts set forth herein. All of the documents attached to this declaration are true and correct copies of the original documents.

2. On January 8, 2018, Epic filed a Status Report Regarding Service of Process (the “Report”), which Epic incorporates by reference as if fully set forth herein. (D.E. 7.) In the Report, Epic described to the Court its continuing efforts to diligently attempt to locate and serve B.B. (the “Defendant”) in Ontario, Canada. (*Id.* at ¶¶ 7-8.)

3. On or about January 16, 2018, after having previously engaged two other process servers that were unable to locate and successfully serve B.B., Epic engaged Klatt Investigations, a Canadian firm that provides various services related to the private service of process in civil

matters. In this case, we engaged Klatt Investigations to locate and effect service of process by personal service on Defendant.

4. Because Defendant's age was uncertain, I instructed Klatt Investigations to serve Defendant as a minor in compliance with Articles 10(b) and (c) of the Hague Convention and Rule 16.02(1)(j) of the Ontario *Rules of Civil Procedure* and consistent with the applicable Federal Rules of Civil Procedure. I provided copies of the following papers filed in the above-captioned case to Klatt Investigations to be served on Defendant: (i) Civil Summons, (ii) Complaint, (iii) Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., (iv) Rule 7.1 Financial Disclosures of Plaintiff Epic Games International S.à.r.l., (v) Notice of Appearance of Christopher M. Thomas, (v) Report on the Filing or Determination of an Action or Appeal Regarding a Copyright, and (vi) Plaintiff Epic Games Inc.'s Status Report Regarding Service of Process and its accompanying exhibits.

5. On January 26, 2018, I received an email from Klatt Investigations stating that Defendant and his mother had been served. On January 30, 2018, Klatt Investigations provided me with the details of service, a proof of service showing that Defendant had been served, and a proof of service showing that Defendant's mother had been served. On February 6, 2018, I received a Declaration of Service, signed by David Konzelman, the Klatt Investigations employee who personally served Defendant and Defendant's mother. In response to a question we asked him, Mr. Konzelman states his declaration, a true and correct copy of which is attached hereto as Exhibit 1, that "based on [Defendant's] appearance, it is my opinion that Defendant is a minor." (Exhibit 1, ¶ 7.)

I declare under penalty of perjury that the foregoing is true and correct.

[Signature appears on the following page.]

Executed this the 12th day of February, 2018.

PARKER POE ADAMS & BERNSTEIN LLP

/s/Christopher M. Thomas

Christopher M. Thomas

N.C. Bar No. 31834

christhomas@parkerpoe.com

PNC Plaza

301 Fayetteville Street, Suite 1400 (27601)

P.O. Box 389

Raleigh, North Carolina 27602-0389

Telephone: (919) 835-4626

Facsimile: (919) 834-4564

*Attorney for Plaintiff Epic Games, Inc. and Epic
Games International S.à.r.l.*

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **DECLARATION OF CHRISTOPHER M. THOMAS** was electronically filed this day with the Clerk of Court and is available to B.B. c/o Christine Broom via PACER. Copies will be served on both B.B. and Christine Broom as soon as we are able to properly serve them, at which point undersigned counsel will file an amended certificate of service.

This the 12th day of February, 2018.

PARKER POE ADAMS & BERNSTEIN LLP

/s/Christopher M. Thomas

Christopher M. Thomas

N.C. Bar No. 31834

christhomas@parkerpoe.com

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Telephone: (919) 835-4626

Facsimile: (919) 834-4564

Attorney for Plaintiff Epic Games, Inc. and Epic Games International S.à.r.l.